THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.6026 of 2007

Date: 26.03.2007

Between:

Pusapati Gopala Krishna and another.

....Petitioners

And

Government of Andhra Pradesh, rep. By its Principal Secretary, Revenue, Secretariat, Hyderabad and another.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.6026 of 2007

O R D E R:

Petitioners state that they are the owners and possessors of land admeasuring 267 square yards in Survey No.59 of Pothinamallaiahpalem Village, Chinagadili Mandal, Visakhapatnam District. According to them, certain documents of conveyance, in respect of the said property, were presented to the second respondent for registration. The grievance of the petitioners is that the second respondent is not accepting any document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Number. This writ petition is filed seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth***

Nahata [1] **.**

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the second respondent to receive and process the documents, if any, presented by the petitioners and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one (1) week from the date of receipt of a copy of this order. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Date: 26.03.2007
Note: Issue C.C. in three days.
(B/o)
JSU

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77